

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONALD G. MATTHEWS and DEPARTMENT OF THE ARMY,
Fort Hood, Tex.

*Docket No. 96-2180; Submitted on the Record;
Issued July 17, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has established a permanent impairment entitling him to a schedule award.

The Board has reviewed the case record and finds that appellant has not established entitlement to a schedule award in this case.

An employee seeking compensation under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim by the weight of the reliable, probative, and substantial evidence, including that he sustained an injury in the performance of duty as alleged and that his disability, if any, was causally related to the employment injury.²

Section 8107 of the Act provides that if there is permanent disability involving the loss or loss of use of a member or function of the body, the claimant is entitled to a schedule award for the permanent impairment of the scheduled member or function.³ Neither the Act nor the regulations specify the manner in which the percentage of impairment for a schedule award shall be determined. For consistent results and to ensure equal justice for all claimants the Office of Workers' Compensation Programs has adopted the American Medical Association, *Guides to the Evaluation of Permanent Impairment*⁴ as a standard for evaluating schedule losses and the Board has concurred in such adoption.⁵

¹ 5 U.S.C. § 8107.

² *Mark A. Cacchione*, 46 ECAB 148 (1994).

³ 5 U.S.C. § 8107(a).

⁴ *Kenneth E. Leone*, 46 ECAB 133 (1994).

⁵ *Ray H. Dewsnap*, 46 ECAB 907 (1995).

In the present case, appellant filed a claim for a schedule award based on accepted condition of chronic dermatitis-both hands. In a medical report dictated on November 2, 1995, Dr. Carl David Rowlett, a specialist in occupational medicine, stated that he examined appellant that day in connection with an impairment rating.⁶ He noted a familiarity with appellant's work history, stating that in May 1983 while working as a small engine repair mechanic appellant had come in contact with a cleaning solvent which precipitated onset of bilateral hand dermatitis. Dr. Rowlett noted that although appellant's subsequent reassignment to the carpenter shop lessened the degree of his condition, appellant nonetheless continued "to have mild intermittent flares which have been clearly linked to workplace exposure...." Upon examination he stated that appellant's arms and forearms "revealed eczematous eruption primarily over the dorsum of both hands with smaller patches extending on to the forearm," that his "hands appeared to be quite xerotic and dry," and diagnosed him as having "probable severe irritant contact dermatitis." Based on the A.M.A., *Guides* Dr. Rowlett determined that appellant had a Class two skin disorder impairment based on the intermittent presence of his dermatitis, the performance limitations governed by his condition, and the constant attention which his condition required. He then assessed appellant's impairment range to be 12 percent in a scale of 10 to 24 percent which he noted was consistent "with the discussion of Class 2 impairments as outlined on pages 282 and 283 of the A.M.A., *Guides*."

On March 15, 1996 the Office referred the case record to the Office medical adviser to assess the date of maximum medical improvement and percentage impairment based on appellant's contact dermatitis.

In a medical report dated March 18, 1996, the Office medical adviser stated that "under [the Office's] regulations there is no scheduled (sic) award for an impairment of the skin," and recommended a zero percent loss of use of the upper extremity.

In a decision dated April 29, 1996, the Office denied appellant's claim on the grounds that the Office regulation "does not provide scheduled award benefits for dermatitis."

On appeal, appellant alleged that he is entitled to a schedule award for an intermittent skin disorder. A schedule award is not payable for the loss, or loss of use, of a part of the body or function that is not specifically enumerated under the Act.⁷ Although it has been accepted that appellant sustained an employment-related skin disorder, there is no provision under the Act, in the statutory or regulatory language denoting covered members, organs and functions, for granting schedule awards for only a skin condition.⁸

The decision of the Office of Workers' Compensation Programs dated April 29, 1996 is affirmed.

Dated, Washington, D.C.

⁶ The report appears to have been transcribed on November 9, 1995 although the actual signature date is unclear.

⁷ *James E. Mills*, 43 ECAB 215, 219 (1991); *James E. Jenkins*, 39 ECAB 860, 866 (1990).

⁸ See 5 U.S.C. § 8107(c); 20 C.F.R. § 10.304(b).

July 17, 1998

George E. Rivers
Member

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member